

Regular Session, 2010

SENATE BILL NO. 684

BY SENATOR CROWE

CORONERS. To clarify the coroner's seventy-two-hour rule regarding patients who are out of the parish at the time of the commitment. (gov sig)

AN ACT

To amend and reenact R.S. 28:53(B)(1) and (4)(d) and (G)(2), relative to coroners; to provide relative to admission by emergency certificate and the coroner's seventy-two-hour rule regarding patients who are out of the parish at the time of commitment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:53(B)(1) and (4)(d) and (G)(2) are hereby amended and reenacted to read as read as follows:

§53. Admission by emergency certificate; extension

* * *

B.(1) Any physician, psychiatric mental health nurse practitioner, or psychologist may execute an emergency certificate only after an actual examination of a person alleged to be mentally ill or suffering from substance abuse who is determined to be in need of immediate care and treatment in a treatment facility because the examining physician, psychiatric mental health nurse practitioner, or psychologist determines the person to be dangerous to self or others or to be gravely disabled. The actual examination of the person by a psychiatrist, **coroner, or deputy**

1 coroner may be conducted by telemedicine utilizing video conferencing technology
 2 provided that a licensed health care professional who can adequately and accurately
 3 assist with obtaining any necessary information including but not limited to the
 4 information listed in R.S. 28:53(B)(4) shall be in the examination room with the
 5 patient at the time of the video conference. A patient examined in such a manner
 6 shall be medically cleared prior to admission to a mental health treatment facility.
 7 Failure to conduct an examination prior to the execution of the certificate will be
 8 evidence of gross negligence.

9 * * *

10 (4) In case of an emergency certificate issued pursuant to an examination
 11 conducted by telemedicine pursuant to Paragraph (1) of Subsection B or Paragraph
 12 (1) of Subsection J of this Section, the licensed health care professional present
 13 during the actual examination shall be responsible for obtaining, recording, and
 14 attaching to the emergency certificate the following information regarding the video
 15 conference:

16 * * *

17 (d) The physical address of both the examining psychiatrist, coroner, or
 18 deputy coroner and the patient when the video conference was conducted.

19 * * *

20 G.(1) * * *

21 (2) Within seventy-two hours of admission, the person shall be independently
 22 examined by the coroner or his deputy who shall execute an emergency certificate,
 23 pursuant to Subsection B of this Section, which shall be a necessary precondition to
 24 the person's continued confinement. If the actual examination by the psychiatrist,
 25 coroner, or deputy coroner in Paragraph (1) of Subsection B of this Section is
 26 conducted by telemedicine, the seventy-two-hour independent examination by the
 27 coroner shall be conducted in person. Upon transfer of a patient to a definitive
 28 treatment facility in another parish under an emergency commitment or order
 29 of protective custody, a second emergency commitment shall be executed by the

admitting facility or physician or physician on call.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Crowe (SB 684)

Present law provides that any physician, psychiatric mental health nurse practitioner, or psychologist may execute an emergency certificate only after an actual examination of a person alleged to be mentally ill or suffering from substance abuse who is determined to be in need of immediate care and treatment in a treatment facility because the examining physician, psychiatric mental health nurse practitioner, or psychologist determines the person to be dangerous to self or others or to be gravely disabled.

Proposed law further provides that the actual examination of the person by a psychiatrist may be conducted by telemedicine utilizing video conferencing technology provided that a licensed health care professional who can adequately and accurately assist with obtaining any necessary information including but not limited to the information listed in present law must be in the examination room with the patient at the time of the video conference. Present law provides that a patient examined in such a manner must be medically cleared prior to admission to a mental health treatment facility, and failure to conduct an examination prior to the execution of the certificate will be evidence of gross negligence.

Present law provides that in the case of an emergency certificate issued pursuant to an examination conducted by telemedicine pursuant to present law, the licensed health care professional present during the actual examination is responsible for obtaining, recording, and attaching to the emergency certificate the information required by present law regarding the video conference, including the physical address of both the examining psychiatrist and the patient at the time the video conference was conducted.

Present law provides that within 72 hours of admission, the person is to be independently examined by the coroner or his deputy who is to execute an emergency certificate, pursuant to present law, which is a necessary precondition to the person's continued confinement. Present law further provides that if the actual examination by the psychiatrist is conducted by telemedicine, the 72-hour independent examination by the coroner must be conducted in person.

Proposed law retains present law, and further clarifies that the examination of the person provided for by present law may also be conducted by a coroner or deputy coroner.

Proposed law further provides that upon transfer of a patient under an emergency commitment or order of protective custody, a second emergency commitment must be executed by the admitting facility or physician or physician on call.

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 28:53(B)(1) and (4)(d) and (G)(2))